

Tuesday, March 5, 2024

TO: Brian Feldman, Chair of Senate Education, Energy, and the Environment Committee, and Committee Members

FROM: Humna Sharif, The Nature Conservancy, Climate Adaptation Manager; Cait Kerr, The Nature Conservancy, State Policy Manager

POSITION: Support with Amendments SB 96 Environment - Impact of Environmental Permits and State Agency Actions

The Nature Conservancy (TNC) supports with amendments SB 96 offered by Senator Jackson. TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In Maryland, our work focuses on delivering science-based, on-the-ground solutions that secure clean water and healthy living environments for our communities, reducing greenhouse gas emissions and increasing resilience in the face of a changing climate. We are dedicated to a future where people and nature thrive together.

SB 96 requires the Maryland Department of the Environment (MDE) to include environmental justice considerations as they pertain to overburdened and underserved communities within their decision-making processes for issuing environmental permits. TNC supports the amendments submitted by the Maryland League of Conservation Voters to include Title 5 air permits within the category of permits covered under SB 96.

SB 96 creates specific guidelines for MDE to conduct a thorough Climate and Environmental Equity Evaluation when a new permit application is under review. The Climate and Environmental Equity Evaluation involves analyzing existing environmental and climate data related to the affected community, assessing the compliance record of the facility seeking the permit, and exploring ways to minimize any adverse effects on the community. A key approach in SB 96 is the consideration given to multiple pollution sources' cumulative impacts or stressors on the community. Communities facing environmental justice issues often experience various environmental factors' compounding effects. For example, in coordination with the Maryland Department of Health, the Health Impact Assessment provisions of the bill will help decisionmakers understand the intersections of Maryland communities' health, environment, and equity concerns.

Air pollution exposure is an environmental justice issue, and the current bill does not include the permits category issued to pollution emitting facilities that are often located in environmental justice communities. The Maryland EJ Screen Mapping Tool is a valuable resource to identify the communities bearing disproportionate environmental pollution burdens, including air pollution. Amending SB 96 would strengthen the bill, ensuring that MDE can consider pertinent environmental pollution data and analysis as they issue final air permits. Within this cumulative approach it's important to include air pollution burdens and mitigate harms by incorporating Title 5 air permits in the legislation.

By implementing measures outlined within SB 96 and the associated amendments shared by the Maryland League of Conservation Voters, MDE can ensure that decision-making processes for environmental permits are transparent, inclusive, and prioritize Maryland residents' well-being. This approach acknowledges historical disparities and works towards environmental justice by actively considering and mitigating potential harms to underserved and overburdened communities. TNC commends Senator Jackson for introducing this bill. SB 96 is a step in the right direction towards building restorative justice within our state's environmental decision-making processes.

For these reasons, we urge a favorable with amendments report on SB 96.